



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
FOURTH STREET
ATLANTA, GEORGIA 30303-4500

4APT-TS

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Walter Duke
Rayco Properties, LLC
8265 Habersham Waters Road
Atlanta, GA 30350

SUBJ: Consent Agreement Final Order
Docket No. TSCA-04-2005-2635(b)

Dear Mr: Duke:

Enclosed please find an executed copy of the ratified Consent Agreement and Final Order (CAFO) in the above referenced matter. The CAFO is effective as of the date of filing with the Regional Hearing Clerk. **Please note that for administrative purposes, EPA changed the CAFO Docket Number.** Please make note of the provisions in the CAFO, paragraphs 14 and 15, with respect to payment of the assessed penalty which is due no later than 30 days from the effective date of the CAFO.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regard to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the Notice.

If you have any questions, please contact Mr. Alex Winston of the EPA Region 4 staff at (404) 562-8994.

Sincerely,

Joanne Benante
Chief
Pesticides and Toxic
Substances Branch

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)

Rayco Properties, LLC)

Respondent.)

Docket Number: TSCA-04-~~2004-2625(b)~~
2005-2635(b) *aw*

RECEIVED
EPA REGION IV
2004 NOV 23 PM 3:08
HEARING CLERK

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), codified at 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is Rayco Properties, LLC, of Atlanta, GA (hereinafter, "Respondent").

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The Administrator of EPA promulgated regulations at 40 C.F.R. Part 745, Subpart F under the authority of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d. Pursuant to 42 U.S.C. § 4852d(b)(5), a violation of any rule in 40 C.F.R. Part 745, is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689. Any person who violates Section 409 of TSCA may be assessed a penalty of up to \$10,000 for each such violation, in accordance with Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and Section 1018. For a violation occurring after January 31, 1997, a penalty of up to \$11,000 may be assessed pursuant to 40 C.F.R. Part 19, and in accordance with 40 C.F.R. § 745.118(f).

4. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under TSCA to the Regional Administrators by EPA Delegation 22-3-A, dated May 11, 1994. The Regional Administrator, Region 4, has redelegated this authority to the Director, Air, Pesticides, and Toxics Management Division, by EPA Region 4 Delegation 22-3-A, dated November 8, 1994. Pursuant to that delegation, the Director of the Air, Pesticides and Toxics Management Division has the authority to commence an enforcement action as the Complainant in this matter.

III. Specific Allegations

5. Respondent is a lessor of target housing identified as Chateau Club Apartments located at 150 Chateau Terrace in Athens, Georgia as defined in 40 CFR 40 C.F.R. § 745.103. Respondent's place of business is located at 8265 Habersham Waters Road in Atlanta, Georgia.

6. Based on information obtained by EPA on or about January 16, 2003, relating to respondent's contracts to lease its target housing described above, EPA alleges that Respondent violated Section 409 of TSCA and the following regulations:

- 40 C.F.R. § 745.107(a)(1), when the Respondent did not provide the lessees with an EPA-approved lead hazard information pamphlet before each such lessee was obligated to lease Respondent's target housing.
- 40 C.F.R. § 745.113(b)(1), when Respondent did not include, as an attachment to, or within, the contracts to lease its target housing, the required "Lead Warning Statement".
- 40 C.F.R. § 745.113(b)(2) when Respondent did not include, as an attachment to, or within, the contracts to lease its target housing, a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards or a statement indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards.
- 40 C.F.R. § 745.113(b)(3) when Respondent did not include, as an attachment to, or within, the contracts to lease its target housing, a list of any records or reports available to the Respondent pertaining to lead-based paint and/or lead-based paint hazards in the housing to five lessees, or an indication that no such records were available.

7. Respondent violated Section 409 of TSCA, when it violated each of the regulations cited above.

IV. Consent Agreement

8. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out above but neither admits nor denies the factual allegations set out above.

9. Respondent waives its right to a hearing on the allegations contained herein.

10. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

11. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with the requirements of 40 C.F.R. Part 745, Subpart F.

12. Compliance with this CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or pursue criminal enforcement.

13. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of 40 C.F.R. Part 745, Subpart F.

V. Final Order

14. Respondent is assessed a civil penalty of ***One Thousand Five Hundred Forty Dollars (\$1,540)***, which is to be paid within thirty (30) calendar days of the effective date of this CAFO.

15. Respondent shall pay the penalty by forwarding a cashier's or certified check, payable to "Treasurer, United States of America," to the following address:

U.S. EPA Region 4
P.O. Box 100142
Atlanta, GA 30384.

The check shall reference on its face the name of the Respondent and Docket Number
TSCA-04-~~2004-2625(b)~~

2005-2635(b) *Am*

16. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

Alex Winston
Toxic Substances Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

Saundi Wilson
Environmental Accountability Division
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303.

17. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.

18. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO if the penalty is not paid by the date required. Interest will be assessed at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.

19. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

20. This CAFO shall be binding upon the Respondent, its successors and assigns.

21. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Alex Winston
Toxic Substances Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-8994

22. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

VI. Effective Date

23. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Rayco Properties, LLC

By: Walter Duke Date: 9-3-04
Name: Walter Duke (Typed or Printed)
Title: Pres. (Typed or Printed)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: Beverly H. Banister Date: 11/1/04
Beverly H. Banister, Director
Air, Pesticides and Toxics
Management Division
Region 4

APPROVED AND SO ORDERED this 23rd day of November, 2004

By: Susan B. Schub
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, in the Matter of: Rayco Properties, LLC, Docket Number: TSCA-04-2005-2635(b), to the addressees listed below.

Alex Winston
Toxic Substances Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

(via EPA's internal mail)

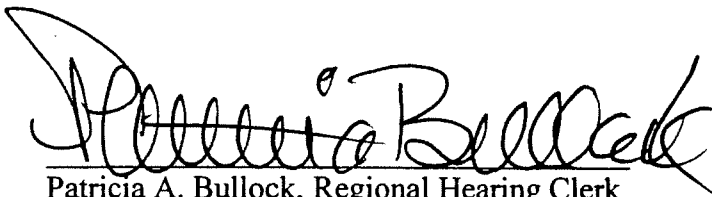
Richard Leahy
Environmental Accountability Div.
U.S. EPA, Region 4
61 Forsyth St., SW
Atlanta, GA 30303

(via EPA's internal mail)

Walter Duke
Rayco Properties, LLC
8265 Habersham Waters Road
Atlanta, Georgia 30350

(via Certified Mail, Return Receipt Requested)

Date: 11-23-04


Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth St., SW
Atlanta, GA 30303
(404) 562-9511

ADMINISTRATIVE ACTION DATA SHEET

To Be Submitted to EAD When:

- (1) a Complaint is Filed; or
- (2) When a Complaint/ Settlement is Filed Together; Along with a CCDS
- (3) a Non-Penalty Order is Issued; Along with a CCDS

1. Case Name Rayco Properties, LLC

3. Court Docket/Regional Hearing Clerk Docket No. 2005-2635 (b) au
TSCA-04-2004-2630 (b)

4(a) EPA Lead Attorney _____ Phone No. _____

4(b) EPA Program Contact Alex Winston Phone No. 2-8994

Facility Information

Information for One Facility (If More Facilities, Attach Additional Pages.)
(Use Location of Site of Violation; DO NOT use a P.O. Box #.)

11. Facility Name Rayco Properties, LLC

12. Street Address 8265 Habersham Waters Road County _____

City Alanta State GA Zip Code 30350

13(a) Primary 4-Digit SIC Code 6513 (b) Other 4-Digit SIC Codes _____

14(a) EPA Program ID No. _____

14(b) EPA FRS No. _____

Is this a Federal Facility? _____ Yes ☒ No

Is this Indian Land? _____ Yes ☒ No

Is This a Small Business? ☒ Yes _____ No
(100 or Fewer Employees)

If Yes, What Tribe? _____

Is The Facility Located in an EJ Area?
☒ Yes _____ No

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Training Booklet, Dated November 2000.

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.

Respondents/PRPs List:

[illegible]

Continue on Attached Page, if Necessary

5. Statute(s) and Section(s) Violated (**NOT** Authorizing Section Nor CFR):

TSCA, 1018; _____; _____; _____

6. Authorizing Section for Administrative Actions: TSCA, 16

If CERCLA, Is the Site on the NPL? ____ Yes ____ No

12. CFR Violation Citation(s):

40 CFR Part 745 Section 107(a)(1) 40 CFR Part 745 Section 113(b)(1-3)

40 CFR Part _____ Section _____ 40 CFR Part _____ Section _____

8. Is this a MULTI-MEDIA action? ____ Yes ✓ No

If Yes, check all that apply:

____ M-M inspection ____ M-M complaint ____ M-M settlement ____ SEP in other media

Information Redacted pursuant to
5 U.S.C. Section 552 (b)(5), Exemption 5,
Privileged Inter/Intra Agency Document
Specific Privilege: Deliberative Process

PRIORITY INFORMATION

MOA Priority (Check All That Apply):

CAA Air Toxics & NSR/PSD:

- ☐ Coal-Fired Power Plant
- ☐ Coal-Fired Power Plant (SIC Code 4911)
- ☐ NSR
- ☐ PSD

Petroleum Refining:

- ☐ Benzene Waste (BENZ)
- ☐ LDAR (LDAR)
- ☐ Refinery Fuel Gas (REFFG)

RCRA:

- ☐ Misidentified Waste (RMISWT)
- ☐ Permit Evaders (RCRPE)
- ☐ Permit Evaders - Misidentified Wastes

SDWA Microbial:

- ☐ Other Microbial (OMICR)
- ☐ SWTR Violations (SWTR)
- ☐ TCR Violations (PWTCT)

Wet Weather:

- ☐ CAFO (AFLOT)
- ☐ CSO (CSO)
- ☐ SSO (SS)
- ☐ Stormwater (STORM)
- ☐ Stormwater - Construction
- ☐ Stormwater - Industrial
- ☐ Stormwater - Municipal

Regional Priority (Check All That Apply):

- ☐ Coastal & Inland Marinas
- ☐ Corrective Action Facilities
- ☐ Geographic Initiative
- ☐ Hazardous Waste Facilities
- ☐ Metal Galvanizers
- ☐ Mobile Bay Compliance Assurance Initiative
- ☐ Plastics & Synthetic Resin Manufacturers
- ☐ Textile Industry
- ☐ Wood Preserving Facilities

Information Redacted pursuant to
5 U.S.C. Section 552 (b)(5), Exemption 5,
Privileged Inter/Intra Agency Document

Specific Privilege: Deliberative Process

Has the Inspection Information Been Entered into ICIS? ☒ Yes ☒ No

If Yes, What is the ICIS Compliance Monitoring Activity Name (Exactly): Lead Paint Inspection, F403 (TSCA)

What Type of Inspection was Conducted (Statute/Section)? Lead-based Paint Disclosure Rule TSCA/1018

Date of Inspection: 1/16/2003

Violation Types

CAA

- ☐ Asbestos Demolition/Renovation Work Practices Requirements
- ☐ Asbestos Requirement Violation
- ☐ Asbestos-In-Schools Violation
- ☐ Discharge, Emission, or Activity Without Required Permit
- ☐ Violation of Permit Requirement
- ☐ National Emission Standard for Hazardous Air Pollutant
- ☐ New Source Review
- ☐ Prevention of Significant Deterioration
- ☐ Risk Management Plan
- ☐ Stratospheric Ozone Protection Violation
- ☐ Tampering w/Emissions Control Device
- ☐ Violation of Reporting Requirements
- ☐ Violation of Requirement to Monitor/Maintain Records
- ☐ Other/Miscellaneous

FIFRA

- ☐ Container Requirements
- ☐ Exports Violation
- ☐ Imports Violation
- ☐ Failure to Notify
- ☐ Failure to Report Information As Required
- ☐ General Facility Requirements
- ☐ Good Laboratory Practices
- ☐ Packaging Requirements
- ☐ Labeling/Marking Requirements
- ☐ Microbial Violations
- ☐ Violation of Previously Issued AO
- ☐ Violation of Information Letter Response
- ☐ Violation of Storage Facility Requirements
- ☐ Violations of Reporting Requirements
- ☐ Violation of Requirement to Monitor/Maintain Records
- ☐ Other/Miscellaneous
- ☐ Worker Protection Standards

NPDES

- ☐ Animal Feedlots
- ☐ Discharge, Emission, or Activity Without a Required Permit
- ☐ Sanitary Sewer Overflows
- ☐ Stormwater Overflows
- ☐ Violation of a Permit Requirement
- ☐ Violation of Requirement to Monitor/
Maintain Records

RCRA

- ☐ Battery Management Act Violation
- ☐ Benzene Waste
- ☐ Bevill Enforcement Case
- ☐ Closure & Post-Closure Requirements
- ☐ Container Requirements
- ☐ Discharge, Emission, or Activity Without Required Permit
- ☐ Disposal Facility Requirements - Not Otherwise Specified
- ☐ Exports Violation
- ☐ Imports Violation
- ☐ Failure to Notify
- ☐ Failure to Report Information as Required
- ☐ General Facility Requirements
- ☐ Groundwater Monitoring Requirements
- ☐ Labeling/Marking Requirements
- ☐ Land Ban
- ☐ Monitoring Requirements
- ☐ K061 Initiative
- ☐ Misidentified Waste
- ☐ Permit Evader
- ☐ Treatment Facility Requirement
- ☐ Violation of a Previously Issued AO
- ☐ Violation of a Permit Requirement
- ☐ Violation of Requirement to Monitor/
Maintain Records

UIC

- ☐ Casing & Cementing
- ☐ Injection Between Outermost Casing
- ☐ Injection Beyond Authorized Pressure
- ☐ Mechanical Integrity
- ☐ No Approved Plugging & Abandonment Plan
- ☐ Non-Compliance with Plugging & Abandonment Plan
- ☐ Unauthorized Injection
- ☐ Unauthorized Operation of Class IV Well
- ☐ Violation of Reporting Requirements
- ☐ Violation of Requirement to Monitor/
Maintain Records
- ☐ Other/Miscellaneous

UST

- ☐ Leak Detection and Repair (LDAR)
- ☐ Requirements Other Than LDAR

PWS

- ☐ Failure to Submit DMR
- ☐ Maximum Contaminant Level
- ☐ Monitoring/Reporting
- ☐ Notification to Public
- ☐ Sampling & Analyzing
- ☐ Total Coliform Rule
- ☐ Violation of a Permit Requirement
- ☐ Other/Miscellaneous

OPA

- ☐ Failure to Have an Adequate SPCC Plan
- ☐ Spill

EPCRA & EPCRA/CERCLA

- ☐ CERCLA Reportable Quantity Discharge Violation
- ☐ Toxics Release Inventory (Section 313)
- ☐ Violation of Requirement to Monitor/
Maintain Records

Wetlands

☐ Discharge Without or In Violation of a
404 Permit

☐ Other/Miscellaneous

TSCA

☐ Accreditation

☐ Asbestos Demolition/Renovation
Work Practices Requirements

☐ Asbestos Requirement Violation

☐ Asbestos-In-School Violation

☐ Closure & Post-Closure Requirements

☐ Container Requirements

☐ Discharge, Emission, or Activity
Without Required Permit

☐ Disposal Facility Requirements - Not
Otherwise Specified

☐ Imports Violation

☐ Exports Violation

☐ Failure to Notify

☐ Failure to Report Information As
Required

☐ Labeling/Marking Requirements

☐ Violation of PCB Rules

☒ Lead Paint Rule

☐ Pre-Manufacturing Notice Requirements

☐ Violation of Information Letter Request

☐ Violation of a Permit Requirement

☐ Violation of Reporting Requirements

☐ Violation of Requirement to Monitor/
Maintain Records

☐ Violation of Storage Facility
Requirements

☐ Other/Miscellaneous

☐ Worker Protection Standards

CASE CONCLUSION DATA SHEET

(To be Submitted to EAD When:

- (1) Judicial Consent Decrees/Orders are Entered by Court
- (2) Administrative Penalty Settlements are Filed, Along with an Administrative Action Data Sheet
- (3) Administrative Non-Penalty Orders are Issued, Along with an Administrative Action Data Sheet)

Note: Form will be returned if this section is incomplete:

Name of Person Completing Form: Alex Winston Date: 9/16/04
Signature of Program Office Supervisor or Designee: [Signature] Date: 10/26/04

A. Case and Facility Background

1. Case Name Rayco Properties, LLC
3. Court Docket/Regional Hearing Clerk Docket No. TSCA-04-2004-2625(b)
4(a) EPA Lead Attorney MKero Phone No. 2005-2635(b) and
4(b) EPA Program Contact _____ Phone No. _____
11. Facility Name Rayco Properties, LLC State GA
How Many Facilities Are Associated With This Action? 1
Are Any of These Facilities Located Outside Region IV? ☐ Yes ☒ No

5. Statute(s) and Section(s) Violated (NOT Authorizing Section Nor CFR):

TSCA 1018; _____; _____; _____; _____

6. Authorizing Section for Administrative Actions: TSCA 116

7. Action Dates (Complete EITHER Administrative or Judicial):

Administrative:

Issued/Filed _____ Final Order _____

Judicial:

Settlement Lodged _____ Settlement Entered _____

Estimated Termination Date: _____

15. Was Alternative Dispute Resolution Used in This Action? ☐ Yes ☒ No

Information Redacted pursuant to
5 U.S.C. Section 552 (b)(5), Exemption 5,
Privileged Inter/Intra Agency Document
Specific Privilege: Deliberative Process

D. Injunctive Relief and Other Compliance Activities (Non-SEP Related)

Note: Penalty orders without injunctive relief and Superfund administrative cost recovery agreements SHOULD SKIP THIS SECTION.

17. What action did violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet additional requirements? This may be due to settlement/order requirements or otherwise required by statute or regulation. Include actions completed prior to the final settlement/order and actions to be taken by violator to return to compliance or meet additional requirements. Where separate penalty and/or compliance orders are issued in connection with same violation(s), report the following information for only one of those orders. Select response(s) from the following:

Column 1: Actions That Result In Pollutant Reduction/Elimination
(Also Complete Entire No. 19)
<input type="checkbox"/> Containment
<input type="checkbox"/> Industrial Process Change (Includes Flow Reduction)
<input type="checkbox"/> Emission/Discharge Change (Install/Modify Controls)
<input type="checkbox"/> Disposal Change
<input type="checkbox"/> Remediation (Treatment-ex-situ, in-situ; containment)
<input type="checkbox"/> Removal (CERCLA/RCRA/ OPA/UST)
<input type="checkbox"/> RD/RA (CERCLA)
<input type="checkbox"/> Implement Best Management Practices (Includes O&M)
<input type="checkbox"/> Storage Change
<input type="checkbox"/> Use Reduction
<input type="checkbox"/> Wetlands Mitigation

Column 2: Actions That Do Not Result In Pollutant Reduction/Elimination
(Skip Question No. 19)
<input type="checkbox"/> Testing/Sampling
<input type="checkbox"/> Auditing
<input type="checkbox"/> Monitoring/Release Detection
<input type="checkbox"/> Recordkeeping
<input type="checkbox"/> Reporting
<input type="checkbox"/> Information Letter Response
<input type="checkbox"/> Training
<input type="checkbox"/> Provide Site Access (CERCLA/RCRA)
<input type="checkbox"/> Site Assessment/ Site Characterization (CERCLA/RCRA)
<input type="checkbox"/> CERCLA RI/FS or RD
<input type="checkbox"/> Environmental Mgmt Review
<input type="checkbox"/> Financial Responsibility Requirements
<input checked="" type="checkbox"/> Notification
<input type="checkbox"/> Labeling/Manifesting
<input type="checkbox"/> Registration
<input type="checkbox"/> Permit Application

If No Injunctive Relief, Choose One:
<input checked="" type="checkbox"/> Penalty Only
<input type="checkbox"/> Cost Recovery Only

THIS INFORMATION IS REQUIRED IF INJUNCTIVE RELIEF IS INDICATED IN QUESTION #17
18. Cost of Injunctive Relief Described in Item 17 (Actual Cost Data Supplied by Violator is Preferred Figure):
Column No. 1: \$ _____
AND/OR
Column No. 2: \$ <u>0</u> _____

Other (Describe) _____

19. Quantitative Environmental Impact of Actions Described in Item 18:

REDUCTIONS/ELIMINATIONS:

Pollutants/Chemical Waste Stream	Annual Amount Reduced/Eliminated/ Treated*	Units**	Media Affected***
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*Note: ICIS Rounds Calculations Automatically. Therefore, any calculation of 0.xxx will round down to zero. Please consider this when doing pollutant calculations. It may be necessary to change the unit to a smaller unit – for example from pounds to ounces.

**Acceptable Units Are:

Cubic Feet
Cubic Meters
Cubic Yards
55-Gallon Drums
Gallons
Gallons Spilled
Grams
Kilograms
Linear Feet of Large Stream (>20 Feet)
Linear Feet of Medium Stream (10-20 Feet)
Linear Feet of Small Stream (<10 Feet)
Liters
Metric Tons
Milligrams
Milliliters
Ounces
Pounds
Pounds Per Day
Pounds Per Year
Square Feet
Tons

***Acceptable Media Choices Are:

Air
Animals (FIFRA Only)
Humans (FIFRA Only)
Land (RCRA Waste, FIFRA Pesticides,
TSCA Asbestos or PCBs)
Plants (FIFRA Only)
Schools/Houses/Buildings (TSCA Lead-
Based Paints or Asbestos)
Soil (CERCLA & RCRA Corrective Action,
TSCA PCBs, UST Soil,
UIC Remedial Action)
Water (Biosolids & Other Sludges)
Water (Drinking)
Water (Ground)
Water (Navigable)
Water (Sediment)
Water (Stormwater)
Water (Wastewater To or From POTW)
Water (Wetlands)

Has EPA Taken Previous Formal Enforcement Action Regarding These Violations? (Does Not Include NOV's)

☐ Yes ☒ No

If Yes, Docket Numbers of Previous Actions: _____

E. Supplemental-Environmental Project (SEP) Information

20. Categories of SEPs (Check all appropriate categories. If no, proceed to #25)

☐ (a) Public Health

☐ (b) Pollution Prevention

☐ (1) Equipment/Technology Modifications

☐ (2) Process/Procedure Modifications

☐ (3) Product Reformulation/Redesign

☐ (4) Raw Material Substitution

☐ (5) Improved Housekeeping/O&M/Training/Inventory Control

☐ (6) In-Process Recycling

☐ (7) Energy Efficiency/Conservation

☐ (c) Environmental Restoration and Protection

☐ (d) Assessments and Audits

☐ (e) Environmental Compliance Promotion

☐ (f) Emergency Planning and Preparedness

☐ (g) Other SEP Category (Specify) _____

21. SEP Description _____

22. Cost of SEP. Cost Calculated by the PROJECT Model is Preferred. \$ _____

23. Is Environmental Justice Addressed by SEP? ☐ Yes ☐ No

24. Quantitative Environmental Impact of SEP:

Pollutants/Chemical Waste Stream	Annual Amount Reduced/Eliminated/ Treated*	Units**	Media Affected***
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: See lists of acceptable units and medias on page 3 of this form.

F. Penalty Information (If there is no penalty, enter 0 and proceed to #27)

25(a) Assessed Penalty \$ 1,540

25(b) (If Shared) Federal Share \$ _____

25(c) (If Shared) State or Local Share \$ _____

26. For Multi-Media Actions, Federal Amounts by Statute:

Statute	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

G. Cost Recovery

27. Amount of Cost Recovery Awarded:

\$ _____ EPA Share

\$ _____ State and/or Local Government Share

\$ _____ Other

Was this an overfile action? ____ Yes ☒ No

(Overfiling occurs when (1) a state/local delegated or approved program has taken no action or an inadequate action to address a violation at a facility; AND (2) EPA takes an enforcement action against the same facility for the same violation; AND (3) the state has not joined with EPA in the EPA action nor asked EPA to bring the action.)

FOR SELF-DISCLOSURE CASES ONLY
(COMPLETE ONLY IF FACILITY SELF-DISCLOSED VIOLATIONS)

H. Self-Disclosure Information

Did Company Self-Disclose Violations? ☐ Yes ☒ No

Date of Disclosure: _____

Was the Disclosure Resolved Under: ☐ Audit Policy ☐ Small Business Policy

If Resolved Under Small Business Policy, Provide SIC Code: _____

Was Disclosure Referred by Another Region or HQ? ☐ Yes ☐ No

If Yes, What Office? _____

Was Disclosure Part of Compliance Incentive Program? ☐ Yes ☐ No

If Yes, Choose All That Apply

- | | |
|--|--|
| <input type="checkbox"/> Bakers CFC Partnership Program | <input type="checkbox"/> Prisons Program |
| <input type="checkbox"/> CMOM POTW Program | <input type="checkbox"/> Storage Tank Emission Reduction Program |
| <input type="checkbox"/> Colleges & Universities Program | <input type="checkbox"/> Stormwater/Commercial Development Program |
| <input type="checkbox"/> Grain Processing Program | <input type="checkbox"/> Telecommunications Incentive Program |
| <input type="checkbox"/> Industrial Organic Chemical Program | <input type="checkbox"/> Wood Treaters Program |
| <input type="checkbox"/> Lead Disclosure Program | |
| <input type="checkbox"/> National Iron & Steel Incentive Program | |
| <input type="checkbox"/> Oil & Gas Program | |

Number of Facilities Associated With This Disclosure? _____

Any Outstanding Issues? ☐ Yes ☐ No (If yes, please describe): _____

Penalty Information:

Penalty Calculation Before Mitigation: \$ _____

% or Amount of Gravity-Based Penalty Waived: _____% OR \$ _____

Gravity-Based Penalty Assessed: \$ _____

Economic Benefit Assessed: \$ _____

Rationale for Not Applying Disclosure Policy:

☐ No Violation Occurred

☐ Not a Systematic
Discovery

☐ Discovery Not Voluntary

☐ Disclosure Not Prompt

☐ Entity Had Repeat Violations

☐ Agreement or Order
Violated

☐ Violation(s) Not Corrected Expeditiously

☐ Discovery & Disclosure
Not Independent

☐ Cooperation Insufficient

☐ Actual Serious Harm or
Imminent &
Substantial Endangerment

☐ Federal Facility That Would Not Be Liable for a Penalty

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Training Booklet, Dated November 2000.

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.

Revised CCOS to include Env. Benefit.

CASE CONCLUSION DATA SHEET

(To be Submitted to OEA When:

- (1) Judicial Consent Decrees/Orders are Entered by Court
- (2) Administrative Penalty Settlements are Filed, Along with an Administrative Action Data Sheet
- (3) Administrative Non-Penalty Orders are Issued, Along with an Administrative Action Data Sheet)

Note: Form will be returned if this section is incomplete:

Name of Person Completing Form: Keith Bates Date: 7/11/05
Signature of Program Office Supervisor or Designee: Keith Bates Date: 7/11/05

A. Case and Facility Background

1. Court Docket/Regional Hearing Clerk Docket No. TSCA-04-2005-2635(b)

2. Case Name Rayco Properties, LLC

3. Settlement Action Type:

- ☐ (a) Consent Decree or Court Order Resolving a Civil Judicial Action
- ☒ (b) Administrative Penalty Order (with/without Injunctive Relief)
- ☐ (c) Superfund Administrative Cost Recovery Agreement
- ☐ (d) Federal Facility Compliance Agreement (NOT including RCRA Matters)
- ☐ (e) Field Citations
- ☐ (f) Administrative Compliance Orders
- ☐ (g) Notice of Determination (Self-Disclosure Cases)

4(a) EPA Lead Attorney _____ Phone No. _____

4(b) EPA Program Contact Alex Winston Phone No. 404 562 8994

5. Was An Environmental Management System Requested? ☐ Yes ☒ No

6. Action Dates (Complete **EITHER** Administrative or Judicial):

Administrative:

Issued/Filed 11/23/2004 Final Order _____

Judicial:

Settlement Lodged _____ Settlement Entered _____

Estimated Termination Date: _____

8. Statute(s) and Section(s) **Violated** (NOT Authorizing Section Nor CFR):

TSCA / 1018; _____; _____; _____

Authorizing Section for Administrative Actions: TSCA / 16

9. Facility Name Rayco Properties, LLC State GA

How Many Facilities Are Associated With This Action? 1

Are Any of These Facilities Located Outside Region IV? ☐ Yes ☒ No

ALTERNATIVE DISPUTE RESOLUTION

15. Was Alternative Dispute Resolution (ADR) Used in This Case?

☐ Yes

☒ No (Skip to Next Page.)

of Parties in Your Case? _____

Of Parties Taking Part in Mediation? _____

Which ADR Process or Processes Were Used? (Can Check More Than One)

☐ Facilitation

☐ Facilitated Negotiation

☐ Mediation for One Part of Case

☐ Mediation for Entire Case

☐ For Cost/Allocation/Penalties

☐ For Injunctive Relief

☐ Other

Who was Your Mediator? _____

How Did You Obtain Your Mediator? _____

Was This Mediator Effective?

☐ Yes. How So? _____

☐ No. Why Not? _____

Was ADR Useful in Fostering Clearer and More Effective Communication Between
The Parties? ☐ Yes ☐ No

Did ADR Help Resolve the Conflict it was Selected For? ☐ Yes ☐ No

If Not, Why Not? _____

Did ADR Help Resolve Conflicts That Were Apart From the Conflict it was Selected For?

☐ Yes. Why? _____

☐ No

Were you Satisfied with the ADR Process You Went Through in Your Case?

☐ Yes Why? _____

☐ No Why Not? _____

Would You Consider Using ADR Again? ☐ Yes ☐ No

If Yes, What Would You Anticipate Using it For? _____

If No, Why Not? _____

How Could the Usefulness of ADR Have Been Improved in Your Case? _____

How Could EPA's Use of ADR be Improved in General? _____

How Could EPA Better Assist You in Obtaining and Effectively Using ADR Services? _____

B. Penalty Information (If there is no penalty, enter 0 and proceed to Page 6.)

11. For Multi-Media Actions, Federal Amounts by Statute:

Statute	Amount
<u>TSCA</u>	\$ <u>1540⁰⁰</u>
<u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>

12(a). Total Assessed Penalty \$ 1540⁰⁰

12(b). (If Shared) Federal Share \$

13. (If Shared) State or Local Share \$

C. Cost Recovery

14. Amount of Cost Recovery Awarded:

\$ EPA Share

\$ State and/or Local Government Share

\$ Other

Was this an overfile action? ☐ Yes ☒ No

(Overfiling occurs when (1) a state/local delegated or approved program has taken no action or an inadequate action to address a violation at a facility; AND (2) EPA takes an enforcement action against the same facility for the same violation; AND (3) the state has not joined with EPA in the EPA action nor asked EPA to bring the action.)

C. Supplemental Environmental Project (SEP) Information

15. Is Environmental Justice Addressed by SEP? ☐ Yes ☒ No

16. SEP Description _____

17. Categories of SEPs (Check all appropriate categories. If no, proceed to #25)

☐ (a) Public Health

☐ (b) Pollution Prevention (Complete Question #19)

☐ (1) Equipment/Technology Modifications

☐ (2) Process/Procedure Modifications

☐ (3) Product Reformulation/Redesign

☐ (4) Raw Material Substitution

☐ (5) Improved Housekeeping/O&M/Training/Inventory Control

☐ (6) In-Process Recycling

☐ (7) Energy Efficiency/Conservation

☐ (c) Pollution Reduction (Complete Question #19)

☐ (d) Environmental Restoration and Protection

☐ (e) Assessments and Audits

☐ (f) Environmental Compliance Promotion

☐ (g) Emergency Planning and Preparedness

☐ (h) Other Program Specific SEP (Specify) _____

18. Cost of SEP. Cost Calculated by the PROJECT Model is Preferred. \$ _____

19. Quantitative Environmental Pollutants and/or Chemicals and/or Waste Streams, Amount of Reductions/Eliminations (e.g. Emissions/Discharges)

Pollutants/Chemical Waste Stream	Annual Amount CHECK ONE: <input type="checkbox"/> Reduced <input type="checkbox"/> Eliminated <input type="checkbox"/> Treated	Units**	Potentially Impacted Media***
_____	_____	_____	_____
_____	_____	_____	_____

**Acceptable Units:

Pounds Per Year
People
Acres
Linear Feet (Small Stream)
Linear Feet (Medium Stream)
Linear Feet (Large Stream)
Gallons Per Year
Pounds

***Acceptable Impacted Medias:

Air
Land
Water (Navigable/Surface)
Water (Wetlands)
Water (Wastewater to POTW)
Water (Underground Source of Drinking Water)
Water (Ground)
Animals/Plants/Humans
Buildings/Houses/Schools

E. Injunctive Relief/Compliance Actions (Non-SEP Related)

Note: Penalty orders without injunctive relief and Superfund administrative cost recovery agreements SHOULD SKIP THIS SECTION.

20. What action did violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet additional requirements (other than what has already been reported on the Inspection Conclusion Data Sheet (ICDS)). This may be due to settlement/order requirements or otherwise required by statute or regulations (e.g. actions related to an APO which did not specify compliance requirements). Where separate penalty and/or compliance orders are issued in connection with same violation(s), report the following information for only one. Select response(s) from the information on pages 6 through 21.

Explanation for "Annual Amount" field: OECA has conservatively chosen to use one year as the period of time over which a reduction/elimination credit is taken. OECA is requesting that the annual pollutant reduction ONCE the complying action(s) has been fully implemented be reported on this form. Thus, if the pollutant reduction is a continuous action (e.g., implementation of a treatment technology), you would report one year's worth of pollutant removal benefits. For example, if the complying action will include the addition of new treatment technology over several years at a facility, then the pollutant benefit for purposes of completing this form represents the pollutant reduction that occurs over one year once the technology has been put into place. If the pollutant reduction occurs as a one time (or short term) action, then you should report the total pollutant removal benefit.

TSCA

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Chapter 8** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

Cost: \$ 0 (REQUIRED! Form will be returned if this field is blank!)

TSCA Section 6 (PCBs):

- ☐ Removal of Contaminated Medium (Choose "Cubic Yards" Below)
☐ Waste Treatment (Choose "Pounds" Below)

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	Unit <u>CHECK ONE:</u>	Potentially Impacted <u>Media</u>
1. <u>PCBs</u>	<u> </u>	<input type="checkbox"/> Cubic Yards <input type="checkbox"/> Pounds	<input type="checkbox"/> Soil <input type="checkbox"/> Land

If additional pollutants and corresponding information should be listed, attach info to end of this form.

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:

Cost: \$ 0 (REQUIRED! Form will be returned if this field is blank!)

TSCA Section 203 (EPA Regulations - Asbestos in Schools):

- ☐ Develop/Implement Asbestos Management Plan
☐ Asbestos Training, Certification, and Accreditation

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	Unit <u>CHECK ONE:</u>	Potentially Impacted <u>Media</u>
1. <u>Asbestos</u>	<u> </u>	<input type="checkbox"/> Schools <input type="checkbox"/> Building Units	<u>Schools/Housing/Buildings</u>

TSCA Section 205 (Plan Submission - LEA)

- ☐ Asbestos Plan Submission

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	Unit <u>CHECK ONE:</u>	Potentially Impacted <u>Media</u>
1. <u>Asbestos</u>	<u> </u>	<input type="checkbox"/> Single-Family Housing Units <input type="checkbox"/> Multi-Family Housing Units <input type="checkbox"/> Building Units	<u>Schools/Housing/Building</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

TSCA Preventative Actions Continued:

TSCA Section 206 (Contractor Laboratory Accreditation)

___Asbestos Training/Certification

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u> <u>CHECK ONE:</u> <input type="checkbox"/> Single-Family Housing Units <input type="checkbox"/> Multi-Family Housing Units <input type="checkbox"/> Building Units	<u>Potentially Impacted Media</u>
1. <u>Asbestos</u>	_____	_____	<u>Schools/Housing/Buildings</u>

TSCA Section 402 (Lead-Based Paint Activities, Training and/or Certification)

TSCA Section 406(a) (HUD 1018 Disclosure Rule)

TSCA Section 406(b) (Lead-Based Paint - Pre-Renovation Education Rule)

___Lead-Based Paint Removal Training/Certification

☒Lead-Based Paint Disclosure

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u> <u>CHECK ONE:</u> <input type="checkbox"/> Single-Family Housing Units <input checked="" type="checkbox"/> Multi-Family Housing Units <input type="checkbox"/> Building Units	<u>Potentially Impacted Media</u>
1. <u>Lead-Based Paint</u>	<u>212</u>	_____	<u>Schools/Housing/Buildings</u>

TSCA Section 6 (PCBs)

___Disposal Change

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. <u>PCBs</u>	_____	<u>Cubic Yards</u>	<u>Land</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

ALL STATUTES

FACILITY/SITE MANAGEMENT AND INFORMATION PRACTICES (FMIP)

(Actions That Do Not Result in Pollutant Reductions/Eliminations)

Cost: \$ 0 (REQUIRED! Form will be returned if this field is blank!)

- ☐ Testing/Sampling
- ☐ Auditing
- ☐ Labeling/Manifesting (Non-RCRA)
- ☐ Recordkeeping
- ☐ Reporting
- ☐ Information Letter Response
- ☐ Financial Responsibility Requirements
- ☐ Environmental Management Review
- ☐ RI/FS or RD (CERCLA)
- ☐ Site Assessment/Characterization (CERCLA)
- ☐ Provide Site Access (CERCLA)
- ☐ Monitoring
- ☐ UST Release Detection
- ☐ Stormwater Site Inspections
- ☐ Asbestos Inspections
- ☐ Training
- ☐ Planning
- ☐ Permit Application
- ☐ Work Practices
- ☐ Notification (TSCA Section 6)
- ☐ Leak Detection (CAA)
- ☐ Spill Notification

Has EPA Taken Previous Formal Enforcement Action Regarding These Violations? (Does Not Include NOV's)

☐ Yes ☒ No

If Yes, Docket Numbers of Previous Actions: _____

FOR SELF-DISCLOSURE CASES ONLY
(COMPLETE ONLY IF FACILITY SELF-DISCLOSED VIOLATIONS)

F. Self-Disclosure Information

Did Company Self-Disclose Violations? ☐ Yes ☒ No

Date of Disclosure: _____

Was the Disclosure Resolved Under: ☐ Audit Policy ☐ Small Business Policy

If Resolved Under Small Business Policy, Provide SIC Code: _____

Was Disclosure Referred by Another Region or HQ? ☐ Yes ☐ No

If Yes, What Office? _____

Was Disclosure Part of Compliance Incentive Program? ☐ Yes ☐ No

If Yes, Choose All That Apply

- | | |
|--|--|
| <input type="checkbox"/> Bakers CFC Partnership Program | <input type="checkbox"/> Prisons Program |
| <input type="checkbox"/> CMOM POTW Program | <input type="checkbox"/> Storage Tank Emission Reduction Program |
| <input type="checkbox"/> Colleges & Universities Program | <input type="checkbox"/> Stormwater/Commercial Development Program |
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| <input type="checkbox"/> Industrial Organic Chemical Program | <input type="checkbox"/> Wood Treaters Program |
| <input type="checkbox"/> Lead Disclosure Program | |
| <input type="checkbox"/> National Iron & Steel Incentive Program | |
| <input type="checkbox"/> Oil & Gas Program | |

Number of Facilities Associated With This Disclosure? _____

Any Outstanding Issues? ☐ Yes ☐ No (If yes, please describe): _____

Penalty Information:

Penalty Calculation Before Mitigation: \$ _____

% or Amount of Gravity-Based Penalty Waived: _____% OR \$ _____

Gravity-Based Penalty Assessed: \$ _____

Economic Benefit Assessed: \$ _____

Rationale for Not Applying Disclosure Policy:

☐ No Violation Occurred

☐ Not a Systematic
Discovery

☐ Discovery Not Voluntary

☐ Disclosure Not Prompt

☐ Entity Had Repeat Violations

☐ Agreement or Order
Violated

☐ Violation(s) Not Corrected Expeditiously

☐ Discovery & Disclosure
Not Independent

☐ Cooperation Insufficient

☐ Actual Serious Harm or
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